

Notice of Allowability

Application No.

10/680,411

Examiner

Ryan A. Jarrett

Applicant(s)

SANFORD ET AL.

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 06/22/07.
2. ☒ The allowed claim(s) is/are 1-10,38 and 40-46.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Meghan McGovern on 09/07/07. The changes to claims 1 and 38 were made to keep the claims consistent with the specification (e.g., pg. 12 lines 9-12, pg. 13 line 30-31). Claims 11-20 and 22-29 were cancelled as being directed to an invention non-elected without traverse.

The application has been amended as follows:

In claim 1 line 24 (2nd to last line), "block manager" was replaced with --block processor--.

Claims 11-20 and 22-29 were cancelled.

In claim 38 line 27 (2nd to last line), "block manager" was replaced with --block processor--.

Response to Arguments

Applicant's arguments, see page 10, filed 06/22/07, with respect to the rejection of claims 1-10, 38, and 40-46 under 35 U.S.C. 112 first paragraph have been fully considered and are mostly persuasive. The rejection of claims 1-10, 38, and 40-46 under 35 U.S.C. 112 first paragraph has been withdrawn in light of Applicant's claim amendments filed 06/22/07 and Examiner's amendments above.

Applicant's arguments, see page 11, filed 06/22/07, with respect to the rejection of claims 38 and 40-46 under 35 U.S.C. 112 second paragraph have been fully considered and are persuasive. The rejection of claims 38 and 40-46 under 35 U.S.C. 112 second paragraph has been withdrawn in light of Applicant's claim amendment filed 06/22/07.

Applicant's arguments, see page 11, filed 06/22/07, with respect to the rejection of claims 1-10, 38, and 40-46 under 35 U.S.C. 101 have been fully considered and are persuasive. The rejection of claims 1-10, 38, and 40-46 under 35 U.S.C. 101 has been withdrawn. It is noted that the claimed invention is directed to a system for monitoring the performance of an industrial process, and thus has a real world practical application.

Applicant's arguments, see pages 11-13, filed 06/22/07, with respect to the rejection of claims 1, 5-8, 38, and 43-46 under 35 U.S.C. 102(b) as being anticipated by Beaverstock et al. have been fully considered and are persuasive. The rejection of claims 1, 5-8, 38, and 43-46 under 35 U.S.C. 102(b) as being anticipated by Beaverstock et al. has been withdrawn.

Allowable Subject Matter

Claims 1-10, 38, and 40-46 are allowed.

The following is an examiner's statement of reasons for allowance:

The application is allowed in light of Applicant's persuasive arguments, see pages 11-13, filed 06/22/07, with respect to the rejection of claims 1, 5-8, 38, and 43-46 under 35 U.S.C. 102(b) as being anticipated by Beaverstock et al.

Namely, the prior art of record fails to teach or fairly suggest a block configurator configured to: save block types to a block database, generate an application object file from the saved block types, control a block manager to transfer the application object file to a block processor, and control the block processor to create application objects from the application object files, as recited in independent claims 1 and 38, in combination with the remaining features and elements of the claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan A. Jarrett whose telephone number is (571) 272-3742. The examiner can normally be reached on 10:00-6:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on (571) 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ryan A. Jarrett
Primary Examiner
Art Unit 2125



09/07/07